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1779

A Vindication of the Conduct of the General Assembly of the State of N E R M O N T,

held at Windsor in October 1778, against the Allegations and Remarkes of the Protesting Members; with Observations on their Proceedings at a Convention held at Cornish, on the 9th Day of December 1778.

By Ira Allen.

Arlington 9th Jan. 1779.

D R E S D E N.

Printed By Alden Spooner.

A Vindication &c.

The imaginary Union of the State of Vermont with sixteen Towns east of Connecticut-River has been attended with many disagreeable consequences, but I apprehend they are already chiefly removed by the wise conduct of the Honorable General Assembly at their Session in October last:

Yet it appears that the protesting members are still useing their influence to divide the freeman of this State, in order to bring about their interested views, which will be explained in the course of these Observations.

In the very preamble of the union bill (so called) are these words, viz, "On the representation of a Committee from the Newhampshire Grants (so called) east of Connecticut River. That the said Grants are not connected with any State with respect to their internal police:" this appears to be the grand hypothesis or foundation on which the union was formed; that all the Grants east of Connecticut-River to the Mason line was not connected with any State with respect to their internal police, and was at free liberty to connect with any body politic to form govern that would receive them, or to form a State by themselves: if this state of the matter be the truth, the union ought to be supported in spite of all opposition; if not, it will be like unto the foolish man's house built on the sand.

But the following Letter from the President of Council of New Hampshire, to his Excellency Governor Chittenden, together with Col. Allen's representation from Congress will reflect light on this subject.

Extract of President Weare's letter to his Excellency Governor Chittenden, dated Exeter, August 22d, 1778.

"A paper has been laid before the General Assembly attested by Thomas Chandler Junr. as Secretary of the State of Vermont, dated June 11th 1778, purporting a Resolution of the General Assembly of the State of Vermont, to receive into union with said State sixteen Towns on the east side of Connecticut River, and leave or rather an invitation to any towns contiguous to those sixteen to enter into the same union."

"On which I am directed to represent to you, and to desire it may be laid before the Representatives of your people. The intimation in said Resolve, that the said sixteen towns "are not connected with any State with respect to their internal police," is an idle phantom, a mere chimera without the least shadow of reason for its support."

"The town of Boston in the Massachusetts, or Hartford in Connecticut (if disposed) might as rationally evince their being unconnected with their respected States, as those sixteen towns their not being connected with New Hampshire."

"Were not these towns settled and cultivated under

the grant of the Governor of New Hampshire? Are they not within the lines thereof as settled by the King of Great Britain prior to the present Era? Is there any ascertaining the boundaries between any of the United States of America, but by the lines formerly established by the authority of Great Britain? I am sure there is not. Did not the most of those towns send Delegates to the Conventions of this State in the year 1775? Have they not from the commencement of the present war applied to the State of New Hampshire for assistance and protection? It is well known they did — and that New Hampshire at their own expence hath supplied them with armes, ammunition &c. to a very great amount, as well as paid soldiers for their particular defence, and all at their regest as members of this State — Whence then could this new doctrine, that they were not connected with us, originate? I earnestly desire that this matter may be seriously attended to, and I am persuaded the tendency thereof will be to anarchy and confusion."

"When I consider the circumstances of the people north of Connecticut River, the difficulties they encountered in their first settlement, their late endeavours to organize government among themselves, and the uncertainty of their being admitted as a separate State into the confederacy of the United States, I am astonished that they should supply their enemies with arguments against them by their connecting themselves with people whose circumstances are wholly different from their own, and who are actually members of the

State of New Hampshire — A considerable number of Inhabitants of those sixteen towns I am well informed are entirley averse to a dis-union with the State of New Hampshire, and are about to apply to this State for protection; indeed some have already applied, And are not the people in this State under every obligation civil and sacred to grant their brethren the needed defence?" I beseech you, sir, for the sake of the people you preside over; and the said people for the sake of their future peace and tranquility, to relinquish every connection as a political body with the towns on the east side of Connecticut River who are members of the State of New Hampshire, entitled to the same privileges as the other people of said State, from which there has been any attempt to restrict them."

The representation of Col. Ethan Allen, viz.

"To his Excellency the Governor, the honorable the Council, and to the Representatives of the freemen of the State of Vermonte in General Assembly met.

Gentlemen,

The subscriber hereto begs leave to make the following reports, viz,

By the desire of his Excellency, and at the request of several of the Members of the honorable Council to me made in Sept.r last, I have taken a journey to Philidelphia, in order to gain knowledge how the political situation of the State of Vermont stood in view of Congress, which I hear exhibite. On the 16th Day of September last, I am informed by Members of Congress, that the Delegates from the State of New Hampshire exhibited to Congress a remonstrance (which they had previously

received from the Council and Assembly of said State) against the proceedings of the State of Vermont, with respect to their taking into the union a number of towns on the east side of Connecticut River, and their inviting other towns to revolt from New Hampshire, a copy of which I herewith exhibite, a matter which (they alledge) was incompatible with the right of New Hampshire, and an infringment on the confederacy of the United States of America, and therefore desired the Congress to take matter under consideration, and grant some order thereon to prevent the effusion of blood, and the confusion and disorders which would otherwise inviitably ensue-

The delegates from New York at the same time exhibitted to Congress sundry papers containing allegations against the State of Vermont, which after some altercations were admitted, and it was agreed that the same together with the remonstrance from the State of New Hampshire. should be taken under consideration on the afternoon of the 18th by a Committee of the whole House, at which time it was moved to be brought forward, but urgent buisness occasioned its being deferred to the 19th, at which time I arrived at Philidelphia, and being immeately informed of the buisness of by some of the members of Congress, I used my influence againste the matter its being hastily determined ex-parte, and particularly objected to the complaints from the States of New Hampshire and New York. their being both considered at the same time, alledging that they were of a very different nature. And in consegence of this, together-

with my earnest regest and application, I obtained assur-
-ance the matter should not be brought to a decision
before I could have an opportunity to lay the matter
before this people; as I had previously let the members
of Congress know, that the Assembly of this State
was to sit at this time; and I engaged to transmit
the proceedings of this Assembly to Congress as soon
as they transpired, at their request.

The allegations thrown in by New York received a
most severe shock on the perusal of my late pamphlet
in answer to his Excellency, Governor Clinton's proclamation
dated in February last, containing certain overtures to the
inhabitants of this State; as well as from my large treatise
on the nature and merit of the New York claim; and their
treatment to the inhabitants of this now State of Vermont.

In fine, the New Yorke complaints will never prove
of sufficient force in Congress to prevent the establishment
of this State. But from what I have heard and seen of
the disapprobation at Congress of the union with sundry
towns east of Connecticut River, I am sufficiently author-
-ised to offer it as my opinion, that except this State
recede from such union immediately, the whole power
of the confederacy of the United States of America will
join to annihilate the State of Vermont, and to vindicate
the right of New Hampshire, and to maintain inviolate
the Articles of Confederation, which guarantee to each
State their privileges and immunities.

Thus Gentlemen, I have given you a short representation of the political situation of this State as it now stands in the General Congress of the United States of America; upon which I state my honor.

Given under my hand at Windsor this 10th Day of October, A.D. 1778.

Ethan Allen.

Several other accounts was recived from Congress by Members of the council and Assembly of this State similar to the report of Col. Ethan Allen.

By the foregoing it appears that the State of New-Hampshire are spiritedly determined to surpast their claim to Connecticut River. The grand Council of America are opposed to said union, and view the State of New Hampshire to extend to Connecticut River; therefore it becam the Legislator of this State to act with the greatest precautions at their last session, in a matter that so deeply concerned the well being of the State. The protesting members in the course of their printed papers have much to say relative to the report of the grand Committee made on the 19th, which was confirmed on the 20th; by quoting one part of a sentance they carry the sence of that report materially different from what the true sence and meaning was; the sentance is in these words, viz. "They are unanimosly determined, in every prudent and lawful way, to maintain and support entire the

State as it now stands."

This sentence cannot be justly construed that the grand Committee or Assembly meant at all events to support the union with said sixteen towns: if they had they would have put the sentence thus, "They are unanimously determined to maintain and support entire the State as it now stands." There could not have been the least impropriety in adding these words, "in every prudent and lawful way." In the last clause of the report of said Committee, it is said, "That the General Assembly proceed to erect courts and enact laws and regulations for the support of Government, as far as the circumstances of the State will admit."

The grand Committee and Assembly have here a reserve: they did not think the circumstances of the State would admit of any new exertion of jurisdiction east of the ~~Connecticut~~ River. But if the grand Committee and Assembly, in that report, had ment to have solemley covenanted with said sixteen towns, as the protesting members pretended, there would have not been the least reserve, which there now appears to be.

Previous to this, it was proposed that Col. Payne, or some other gentleman from the east side of the River, should go to Congress, on the expence of this State, to see if by any arguments they had against New Hampshire, they could evince to Congress their right to unite with this State: but they then refused, except they could be authorised to bring on a determination in Congress, whether this State should be a State or not, and the decision to be made with the

incumbrance of the union. The truth of the matter was this, the grand Committee and Assembly were willing to purchase the union with said sixteen towns, provided it could be done without endangering the whole State, and without a contention or war with New Hampshire: but they were not willing to contend or fight with New-Hampshire for a territory east of Connecticut-river.

It is to be observed, that by the very preamble of the Union Bill, it was represented by that Committee, that those towns were not connected with any State, with respect to their internal police. Several of that Committee also represented, that the inhabitants of said towns were almost unanimous for joining this State, and that New Hampshire as a State would not object against said towns connecting with this State. By reason of these representations the union took place.

The first and third of the foregoing representations appear not to be true by President Weare's letter (reference thereto being had,) as to the second representation some of said towns, refused to send a representative to the Assembly, by reason there were so many in oppositions to the union: other towns for reasons to me unknown, neglected to send a representative to the Assembly; in all six of the sixteen towns refused or neglected to send a representative to the Assembly, by which it appears that six of the sixteen towns have in some degree broke the union themselves, by not sending a representative as aforesaid,

In this situation can any man in his right mind flatter himself that it would have been the least degree of prudence for the Assembly to have made any new exertions of jurisdiction east of the River, when a large minority of the inhabitance of said sixteen towns were in opposition to the union— the State of New-Hampshire strenously opposed to it— the members of the Grand Council of America in opposition thereto, as they view New-Hampshire to extend to Connecticute River?

Who is young Vermont, that they should on a false and exparte representation, go on headlong to break in upon the Articles of Confederation of the United States, that have humbled the haughty pride of Great-Britain?

Surely these are and must be viewed by every reasonable person very weighty reasons in favor of the conduct of the Assembly.

It is not well known, and ought it not to be gratefully acknowledged by every subject of this State, that New-Hampshire by their timely assistance in sending their Hero General Starke with orders to act in conjunction with our people, and at his own option to put himself and men under the command of general Schuyler (who is a known enemy to this State) or not; and by wise co-operations with the militia of this State, saved it from impending ruin at the time when general Burgoyne made such hasty strides into the country?

Would it not be the highest ingratitude to thus requite New-Hampshire for their signal services, by taking from them (against their consent) so valuable a territory, provided it was even in the power of this State?

The counties in this State were established by the general Assembly at their session in March last, The union with the sixteen towns east of Connecticut-River and this State took place at the session of Assembly in June last, soon after which civil magistrates were chosen, inhabitants of some of said sixteen towns, and sworn into such offices which did severally discharge their respective functions as magistrates of this State. The High Sheriff of the county of Cumberland officiated in his office in said sixteen towns.

The three votes complained of are in these words viz "Question 1st. Whether the counties in this State shall remain as they were established by this Assembly at their session in March last."

"Question 2d. Whether the towns east of Connecticut-River included in the union with this State, shall be included in the county of Cumberland."

"Question 3d. Whether the towns on the east side of Connecticut-River, who are included by union with this State, shall be erected into a distinct County by themselves."

These votes did not adde any thing to the union, neither did they take any thing from the people that they had before enjoyed. It was the same to pass a resolve that the county lines should remain as they were established last March, as to have resolved they should remain as they were the day said votes were passed: county lines being established by the Assembly will remain the same until altered by the same

authority, As said votes had reference to county lines only, the union was the same after said votes were passed as before; the sense of those votes were only this, that the Assembly did not think it prudent to make any new exertion of jurisdiction east of the River, for the time being, The protesting members in the course of their printed papers, often have reference to the six Articles in the Bill of Rights, which in it's true sense is entirely in favor of the proceedings of the Assembly. But in their remarks they have falsely quoted it, as they have promiscuously taken some words, others they have added that are not to be found in any part of said article, and connected them together ~~them~~ in such a manner as would best suit their turns, which is in these words, viz." That government is and ought to be instituted for the benifit of the whole, and not a part only." The first part of the said article is in these words, viz.

"That government is, or ought to be, instituted for the common benifit, protection and security of the people, nation or community, and not for the particular emolument or advantage of any single man, family, or set of men, who are a part only of that community." The whole being greater than it's parts, therefore the whole is to be regarded; or in the words of the constitution; "for the common benifit, protection and security of the people, nation, or community;" which fairly impliethe the major part:

Therefore the next sentance is this, "and not for the particular emolument or advantage of any single man, family, or set of men, who are a part only of that

community:" which clearly shews the last sentance has reference to the minority; and that government was not instituted for the particular advantage of any single man, family, or set of men, but for the people, nation, or community; or in other words, the mayor part, or body of the People. These people on the east side of the river, are just such a set of men as the constitution has reference to and it was the opinion of the Assembly that to make any new exertion of jurisdiction east of the river, would be more damage to the body of the people in the State, than it would be advantage to the set of men on the east side of the river. Indeed, if it was a damage to the State, they, as a part of the State, would be equally benefitted. And as government was instituted for the good of that people, nation, or community. the Assembly acted in conformity to the sixth article in the Bill of Rights.

The protesting members, either thro' mistake or design, have printed the vote relative to the division of counties (next before the three votes so much complained of) which was reconsidered, and ought to have been published.

The order or rule of the house is, that no member shall be absent more than fifteen minutes at a time, without the leave of the House.

The dissenting members, by absenting themselves from the House without leave, broke the rules of the House which they themselves had assented to.

The thirteenth section in the constitution is as follows, viz. "The votes and proceedings of the general Assembly shall be printed weekly during their sitting, with the yeas and

nays on any question, vote, or resolution. where one third of the members require it, (except when the votes are taken by ballot) and when the yeas and nays are so taken, every member shall have a right to insert the reasons of his vote upon the minutes if he desire it."

In the course of this section there is leave given to one third of the members, if they regret it, to have the proceedings of the Assembly printed weekly during their sitting, with the yeas and nays on any question, vote, or resolution, except when the votes are taken by ballot; and when the yeas and nays are so taken, there is a much greater liberty given; for every member has then a right to insert the reasons of his votes upon the minutes, if he desires it.

It is to be observed, that these things are spoken of in the plural, viz. M'Kinly. — The right of a member to insert his reasons, is sufficient to shew it to be the sense of the constitution, that every member should keep his seat, and the minor to submit to the major. —

Indeed, common sence is sufficient to teach us that in all political bodies, or assemblies, the minor must submit to the major. Men differ almost as much in sentiments as they do in looks, and are no more to blame for not thinking alike than for not looking alike. If in the most united body of men that ever associated together under heaven, it should become a custom that whenever any one or more could not agree with the majority in sentiment, they should absent themselves from that body, it would soon dwindle away. The constitution of this State makes ample

provision for the minority in some cases, if there was but one that differed in sentiment from the rest, for the vindication of his conduct, and better information of his constituents, has liberty of inserting his reasons on the minutes.

In the thirteenth and fourteenth sections in the frame of government, there is a way provided for all qestions, votes, resolutions, bills, acts, or laws, that pass in Geneal Assembly, to be printed and laid before the people for their perusal.

In the eighteenth article in the Bill of Rights, is declared, "That the people have a right to assemble together, to consult for their common good, to instruct their representatives."

The people being informed of the proceedings of the Assembly, pursuant to the directions in the thirteenth and fourteenth sections in the frame of government, have a right by the eighteenth article in the Bill of Rights, "to instruct their representatives," previous to the next sesion of Assembly; and this is plain path marked out in the constitution for those members to walk in who cannot join in sentiment with the majority.

Therefore for the minority to absent from the house contary to the constitution, and take a path that is not known by the constitution, is a violation of the constitution.

The protesting members in their remarks, find great fault with the Assembly for not "carrying into execution the plan proposed in the report and resolve of the Assembly on the 20th instant." To give eternal truth its due limits, the fault was in them; their withdrawing took

one half of the Committee away that was appointed, and left no person that was acquainted with the circumstances of the people on the east side of the river; therefore it was not in the power of the Assembly to make out a state of matters pursuant to said report and resolve.

The protesting members in the course of their printed papers, further find fault with the Assembly for proceeding to buisness after they withdrew; alledging that there was but thirty nine members (at most) that remained to act as an Assembly after they had withdrawn, which is a gross mistake, there was forty, and their names are as follows, viz, Capt. Eli Noble, Capt. John Grafsett, Col. Ebenezer Walbridge, Mr. John Millington, Capt. John Grafsett Jun. Mr Reuben Thomas, Mr Joseph Bradley, Capt. Gideon Ormsbee, Mr Martin Powell, Capt Abraham Underhill, Mr Moses Robinson. Mr Gideon Adams. Mr. Thomas Rowley, Mr. William Wood, Mr. Abner Lewis, Mr. Abraham Jackson, Mr Roswell Post, Mr. Jesse Belknap, Capt. Jonathan Grafsett, Capt. Josiah Powers, Mr Nathan Foot, Capt. Comfort Starr, Mr. Edward Harris, Mr. Hubbel Wells, Mr. Silas Hamilton, Capt. Jonathan Knight, Col. Samuel Fletcher, Mr. Nathaniel Robinson, Mr Abner Miles, Mr. Joshua Webb, Mr. Edward Akin, Mr. Samuel Scott, Maj. Thomas Chandler, Capt. Ebenezer Curtis, Mr. Thomas Cooper, Mr. William Salmon, Capt. Phinehas Williams, Capt. John Throop, Capt. Edmund Hodges, and Mr. Timothy Bartholemew.

The Protesting members in their remarks also assert, that the Assembly proceeded to business when there was not two thirds of the members elected on the west side of the river, It is to be observed that by their printed journals there was Sixty-one members elected on the west side of the river, Col. Ethan Allen included. The town of Arlington, on freemans meeting day, made choice of Col. Ethan Allen and Capt. John Fayet to represent the town; Col. Allen, when informed of his appointment declined serving.

Another meeting was called, and Capt. Mathew Lyon, was chosen in his stead, but by some irregularities in his credentials, was refused a seat.

Col. Allen was then urged to serve, but declining the religious test, did not take his seat,— It is well known that the dissenting members found great fault with the Assembly, for permitting Col. Allen to speak in the House, alledging, that he was not a member, and had no business there; yet, to make out that there was not a quorum on the west side of the river, they have enrolled his name on the printed journals.

According to the intent and meaning of the constitution, there was only Capt. Fayet that could be justly counted for a representative for said town; therefore there was a quorum on the west side of the river. It is a known and just maxim in law, that no man shall take the advantage of his own wrong.— There was a very full House, until the dissenting members withdrew; they, by withdrawing, violated the constitution, and broke the rules of the House as has been before observed — the fault is in them,

that there was not a full House: that being the case. they cannot in justice have any pretensions to that plea.— By their arguments and practice. if there was a just quorum of the Assembly, and some vote or resolve should be passed that was disagreable to only one member; he would enter his protest against such proceedings and withdraw, which would effectually break up the Assembly. Thus they would put it in the power of one man to rule the whole as arbitrary as ever George the third did. when he prorogued the British parliment at some times when they did not conduct to his mind.

But suppose the Assembly had dissolved on the dissenting members withdrawing, and designing men had made overtures to the neighbouring States, to have shared this State amongst them; would it not have tendered to anarchy an confusion?

Have not the good people of this State solemly covenanted to stand by and support each other by all the ties that are held sacred amongst men?

Are not the freemen of this State, the members of the Council and Assembly, under the most solemn oaths to be true to the State, and to support the constitution thereof? And are not these solemn ties binding on men? Is not this State a frontier to three neighbouring States? And how soon we shall have a call for men in the field is uncertain; if we had such a call, how should we raise men and pay them? Are not our adversaries the Yorkers impatiently waiting

such a revolution? Should it take place, how long before our inheritance would be divided amongst them? What an infinity of hardships the inhabitants of this State have endured for a series of years, to defend their just rights against the arbitrary power of New York, and in our turn, with the rest of our brethren of this continent, against Great Britain? How many internal broils, and great expence have we suffered, until we have almost compleated a fair fabrick of freedom? And now, because a few young workmen on this glorious building, cannot have their will, in opposition to a major part of the old and experianced workman they would (if I may be allowed the comparison) like lightning descending on a powder-house burst the whole building asunder, and reduce the whole fabric to a huge heap of shattered rubbish.

Surely it was of the greatest necessity and highest importance for the Assembly to steadily pursue the buisness of the State, at that most critical juncture.

The protesting members, in their remarks, quote the fifth article in the Bill of Rights, viz. "That all power being originally inherent in, and consequently derived from the people; therefore all officers of government, wether legislative or executive, are their trustees and servants, and at all times accountable to them." By their appeal to the people, one would be induced to believe that the old Romish valerian law was in force in this State; which after the expulsion of their Kings in antient Rome, gave liberty to any

citizen that was fined, or condemned by the sentance of any magistrate, to appeal to the judgment of the people. I readily grant that all govern-mental power was in the people before they formed any mutual compacts; but by reason of vile and vicious men, it became nefesary to have some known rules or form of goverment, to protect the virtuous, and punish the vicious.

In order to form such rules or laws, as people were numerous and scatered, it became niecsary to chuse and send representatives, in order to which, individuals must give up to their representatives their natural right of legislation, for such term of time as should be mutually agreed, on such representatives proceeding to form any laws or mode of goverment, they would act by the authority of the people; and should the people after the publication of such mode of goverment or law, by their own voluntary consent, accept of the same, there cannot be the least doubt but they would be found by such constitution or law; and in creating an executive branch of goverment, the people would give up to such magistrates as they should elect, their natural right of executive power, for the more easy and convenient exercise of the same and for the common good, for such term of time, and in such manner as should be specified in such constitution or law as they should mutually assent to

It is to be observed that "all officers of goverment, wether legislative or executive, are their trustees and servants, and at all times accountable to them;"

yet it is to be understood, in a constitutional way. It has been observed, that in the thirteenth and fourteenth sections in the Frame of Government, there is a way pointed out for all matters that pass in the Assembly, to be laid before the people for their perusal.— In the eighteenth article in the Bill of Rights, it is said, "That the people have a right to assemble together to consult for their common good, to instruct their representatives.

It is reasonable to suppose this instruction is to be given previous to the next session of the Assembly; and that after such instruction, each member should, at the next session take his seat.

This is the proper line of an appeal to the people; and this power the people reserved in their own breasts, in the establishments of the constitution.

In the forty-fourth and last section in the constitution, after describing how a Council of Censors shall be chosen, it is said, "and whose duty it shall be to enquire whether the constitution has been preserved inviolate in every part; and whether the legislative and executive branches of the government have performed their duty as guardians of the people, or assumed to themselves, or exercised other or greater powers than they are intitled to by the constitution." "For these purposes they shall have power to send for persons, papers and records; they shall have authority to pass publick censures."

It appears to be a way pointed out in the constitution, to call either of the branches of government to account, to see if the constitution has been preserved inviolate in every part, or whether the Council or Assembly have assumed to themselves, or exercised other or greater powers

than they are intitled to by the constitution: and in case of any such fault, this Council of Censors are authorised to pass public censures. — This appears to be the last resort, or bar, to preserve the liberties of the people; which, together with the annual elections, at which times the freeman are under solemn oaths to vote for those persons that are most noted for wisdom and virtue — the powers of the Assembly are to judge of the elections and qualifications of their own members; and that no person but those that have acquired and maintained a good moral character, shall be capable of holding any civil office in this State, is abundantly sufficient to preserve the liberties of the people. — And now for the protesting members to make an appeal to the people, to pass public censures on the majority of the Assembly, (in a way that is not known in the constitution) and by several false assertions and misrepresentations, to extort a determination from the people ex par-te (before an answer could be made to their remarks) to answer their design in forming a Convention, (for purposes to be hereafter more at large discussed) is a most daring insult on government, ~~when they~~ at the same time they pretend to be great sticklers for good order and government, when they themselves are the cause of all the confusion.

As I providentially happened at Carnish on the 9th of December last, I there attended a Convention that was called at the regest of those Gentlemen that withdrew from the Council and Assembly of the

State of Vermont, at their session in October last; and for part of the foundation of some remarks I propose to make on the conduct of said Gentlemen, shall recite an extract of the proceedings of said Convention, which here followeth:

But as I took this extract from the loose minuets, and as I understood the clerk had directions to transcribe it, and correct the grammer, do not publish it as an attested extract,

Extracts from the Minuets of a Convention held at Cornish, December 9.th 1778.

"Voted first, That the members of this Convention will unite together, for the purpose of pursueing such legal and regular measures, as may have a tendency to secure to ourselves the benifits of government, without any regard to the distinction made by the arbitrary line drawn on the western bank of Connecticut-river, by the King in Council, in the year 1764.

"2dly. A major part of the Committee appointed to draw at large, a declaration proposed in the report of a Committee of Assembly of Vermont, on the 19th of October last, laid before this Convention a pamphlet, drawn by them, in pursuance of said appointment; which was repeatedly read, and unanimously approved—

Whereupon voted, That 1500 of the above mentioned pamphlets be printed, and transmitted to Congress, and other States; and to all the Towns on the New-Hampshire Rants, agreeable to report.

"3dly. Whereas notwithstanding the above mentioned regret for this Convention, but few of those Towns whose members continued to act with said Assembly after the

protesting members had withdrawn, have sent members to this Convention. And the conduct of the Assembly in passing the votes and resolves, contained in their printed journals, the protest, remarks, &c. have rendered it impracticable to carry said resolves into execution by said Assembly, as therein proposed; which difficulty will long continue so long as said votes stand in force: and the people in those towns, by justifying the conduct of the Assembly in violating the constitution, will thereby dissolve the solemn compact which they entered into by the confederation, and the people consequently become discharged from their oaths of allegiance: Therefore voted, That the following proposals be made to New Hampshire, in pursuance to said resolves,

1st. To agree upon and settle a dividing line between New Hampshire and the Grants, by committees from each party, or otherwise as they may mutually agree.

2d. If that is not complied with, that the whole dispute with New Hampsher be submitted to the decision of Congress, in such way and manner as Congress and the parties may agree; always providing, the Grants be allowed equal privileges in espousing and conducting their cause in the trial with the other party. Or

3d. That we will agree with them mutually to appoint and constitute a court of disinterested, judicious men, of the three New-England States, for the purpose of hearing and determining the dispute. — If neither of the foregoing two can effect the settling of the controversy, in case New Hampshire and we can agree upon a plan of government, we will consent that the whole of the Grants

connecte with New Hampshire, and become with them one entire new State, as it was limited and bounded before the settling of said line in 1764— and until one or other of the foregoing proposals be complied with, we shall endeavor to defend ourselves in every lawful way, and trust our cause with the all wise Providence to succeed us.

And that the inhabitants of those towns on the Grants, in the State of Vermont, who have not sent a representation to this Convention, and whose members joined with a majority of said Assembly in passing said votes be requested to direct their members to rescind the same, and join in said proposals.

4th. That all the other towns on said Grants be requested to join us in making the foregoing proposals to New Hampshire; and that those towns that agree to join us therein, be requested to transmit copies of their votes to Governor Marsh, Mr Woodward, Col. Olcott, Col. Morey, Maj. Childs, Col. Payne, and Gen. Baley, committee by this Convention for receiving them, and carrying the foregoing votes and proceedings into execution, so soon as the towns on the Grants can have opportunity to join us therein.

5th. In case those towns whose members continued to act with the Assembly of Vermont, still remain firm and steadfast in supporting and continuing the votes of the Assembly, which are complained of as unconstitutional, and neglect to join in carrying into execution said report of their committee, we shall make overtures to join with New Hampshire, on the last article in said proposals.

6th. That said Convention be impowered to call a convention from the towns on the Grants, whenever any thing shall arise which shall, in their opinion, render one necessary."

There were only eight towns sent representatives to said Convention from the west side of Connecticut-river.

The number of towns represented from the east side of said river, I cannot particularize; but there were not so many as expected.

Their first procedure appears to be to dissolve the line drawn on the bank of Connecticut-river by the King in Council, in the year 1764, and to bring all the Grants to Mason's line on one footing, in order to lay a plan for further proceedings.

Ever since some towns east of Connecticut river made proposals for a union with this State, there has been much said relative to Mason's line, and that New-Hampshire had no just claim to jurisdiction west of said line. The government of New-Hampshire, from its beginning, so far as respects jurisdiction, was a royal government. Capt. John Mason, by different grants from the Council of Plymouth, had all the land conveyed to him between Salem-river and Piscataqua-river, and fifty miles up into the country; which he afterwards called by the name of New-Hampshire.

That Council could give him right of soil, but was not authorised to give him jurisdiction over one foot. This was a prerogative of the Crown. The way to find the extent of New-Hampshire, was by the limits prescribed in the Governor's commission. When the government was first formed, there was but few people, and John Cutts Esq; was appointed President of a Council. The limits of the government, in that

early day, was not so particularly expressed, as we afterwards find them. The next Magistrate they find appointed, was his Excellency Benning Wentworth Esqr.— In his commission, speaking of the boundaries, particularly mentions, extending west until it meets with his Majesty's other governments.

This commission was the very thing that gave life and energy to jurisdictional authority, and extended it to all parts of the government, which, by all antient maps and proceedings, was viewed to extend as far west as Connecticut—and the Massachusetts—Bay.

There was no mention made of a Mason line, on account of jurisdiction; but as to the right of soil. The Crown disposed of it to the Council of Plymouth, and they to Capt. John Mason: so that on account of private Property there is propriety in mentioning the Mason line; but on account of jurisdiction, it is the most idle notion that ever entered the head of an enthusiaste in politicks. By what has been said, and by the extract of President Weare's letter, (reference thereto being had) is sufficient to shew that New-Hampshire have as good a right to exercise jurisdiction west of the Mason line, as east: and the reason why New-Hampshire have not as good a right now to exercise jurisdiction west of Connecticut-river, as east; is that a royal edict was passed in the year 1764, extending the jurisdiction of New-York to the west bank of said river: Which edict was, and ever has been, disagreeable to most of the inhabitants; for which reason application has been made at several times to New-Hampshire, to assert their claim to the Grants west of said river,

and has been as often refused; therefore the inhabitants; of this State have experienced all the evils that a Colden, Dunmore, and Tryon, together with a clan of New York land-jobbers, could invent and inflict; and had it not been for that glorious spirit of Freedom, that stimulated the good people of this State to stand for their natural rights, and assume to themselves amongst the powers of the earth that equal station that the God of Nature had blessed them with, they would before this time have been effectually bound to New-York, in "connecting with them in forming a constitution, &c.

Therefore New-Hampshire have lost their right of jurisdiction west of Connecticut-river, and can have no more just right now to extend jurisdiction west of said river, than the Massachusetts-Bay have now to extend jurisdiction to their antient northern limits, which would take a very considerable part of New-Hampshire and this State.— It was a royal edict passed in the year 1739 that curtailed the Massachusetts-Bay to Patuxet-falls in the river Merrimac.

But to return to our subject. This is the infant State of Vermont, which in some degree must be viewed similar to a young but perfect child; which in the nature of things, must depend on those more aged for its support.

Thus I view the United States and this, and New-Hampshire as our greatest benefactor.

Yet this State, from misrepresentations as aforesaid, and by discovering internal broils in New-Hampshire, did presume to extend jurisdiction over part of their original territory. How this mighty authority becam

vested in the State of Vermont, has ever been beyond my conception: Tho' I readily conceive that it furnishes New York with argumentative harangues to play off against Vermont, as Congress. The Conventioneers, in the foregoing extract, appear to have invented a very extraordinary way to absolve the freemen from their oaths of allegiance. By what has been before observed, it appears to be the sence of the constitution of this State, that the majority should rule the minority. Indeed men differ so much in sentiments, that no political body of men could long subsist any other way.

Yet it seems the Conventioneers presume to declare, that if the majority do not submit to the minority, and reconsider those votes complained of, that the minority will thereby be discharged from their oaths of allegiance to this State: which is very extraordinary.

The natural inference to be drawn from such procedure is, that if a certain junto of men rule this State, as they please, (if they have not already) the mean to violate their oaths of allegiance and office to this State, and induce as many more as they can to follow their example.

The protesting members in the course of their remarks, give an invitation to all the towns on the Grants, on both sides of Connecticut-river, whether connected with the State of Vermont or not to send members to said Convention, which was represented in the General Assembly of the State of Newhampshire. And said Convention have also given an invitation to all the towns on the Grants to join with them. It is to be observed, that a very large part of the towns on the Grants east of Connecticut-river,

are represented in the General Assembly of New Hampshire; and that these towns did severally give their assent to the Articles of Confederation of the United States; which articles binds the whole confederation to defend the privileges and immunities of either of said States.

Therefor said towns cannot withdraw from New Hampshire and connect with any other body politic.

In the close of the fifth article or paragraph in said extract, it is declared, that "we shall make overtures to join with New-Hampshire on the last articles in said proposals." Thus it appears, after making several proposals to bind the unwary, they are determined, if the majority of the people do not submit to their plans, they will make overtures to New-Hampshire to extend jurisdiction over the whole State of Vermont: and this determination is made in a Convention, where there was but eight towns represented on the west side of the river; and some of their members declined acting in this respect. Is not this driving paints beyond all due bounds? But I am not daunted at this, as I am sensible New Hampshire wish this state well, and will not extend jurisdiction west of the river. When we consider this, and the representation of their first committee, that New Hampshire had no right of jurisdiction west of the Mason line. And now to take a retrospect view of all the proceedings of the union party, doth it appear that the union was meant for the best good of the State? I am easiers to myself it was not. But as interest and honor are the principle guidance to human actions, I shall make that the basis of my next observations.

As I had the honor to be appointed by the Hon-
-orable the General Assembly of this State at their
sessions in October last, to wait on the honorable the Council
of the State of New-Hampshire, with letters relative to said
union, &c. I was also desired to return by the way of Cohos,
so each tour I have accomplished; and by what I have seen
and heard, am sufficiently authorised to give it as my
candid opinion, that the first seed of discord between
New-Hampshire and it's disaffected towns, sprang from
Darthmouth College. There was large sums of money
due to that College in Great-Britain, by donations or
otherwise. At the commencement of this war, therefore,
for gentlemen deeply concerned with said College, to be
zealous in opposition to Britain, in that early day, might
be detrimental to said College.— But this difficulty
did not long continue.— Then certain men did not
meet with such treatment, nor parts of profit and honor,
in that State as they thought their high mightinss deserved:
from hence began divisions and strife. By this time
the wheels of this state began to role on— then the disapointed
politicians began to rear up a Mason line, and arguments
against New-Hampshire, in order for a union with this
State; with this imaginary Idea, that they would either
connect a considerable part of the Grants east of Connecticut-
river with this State, and thereby bring the seat of government
on said river, or get in such connection with this State,
as to break up, and connect the whole to New Hampshire,
which would also bring the seat of government on said
river. This they did, knowing that the inhabitants of this
State, should they by any means get broke to bits as a State,

they would by all means connect with New-Hampshire before New-York.—There were several men on the west side of the river shall not too much honor or virtue to join in this plan.

Of late there has been such opposition to the union by Congress, New Hampshire, &c. they have not now (if ever they had) the least expectation of continuing to this State, but are using every possible art to disaffect the good people of the upper part of Cumberland County against those of the county of Benington, in order to connect the whole, or as much as they can, to New-Hampshire. Those men in the county of Gaston, are very sensible that they will be viewed like speckled birds, if they go back alone to New-Hampshire; but if they can return at the head of a powerful confederacy, they will yet govern New-Hampshire as they please,

I have also to observe, that several of the members of said Convention did freely own to me when at Carnish, that their designs were to break up this State, and connect the whole of the County to New-Hampshire; alledging, that it was for their interest so to do.

And now let us trace the conduct of those zealous friends to the union, and we shall find the line of their conduct in conformity to this plan.

And lastly, I have only to recommend to the good people of this State, to meet in their several towns, and see that they have representatives that will attend at the next session of Assembly; and pursuant to the eighteenth article in the Bill of Rights, give such-

instructions to their representatives relative to said union, as shall in their opinion most conduce to the well-being of this State; and for the better information of the freemen thereof, I hear with subjoin the following votes, which will undoubtedly have their due influence.

"In General Assembly, at Windsor, October 23d. 1778.

Resolved, That the members of this Assembly lay before their constituents the situation of the union subsisting between this State and sixteen towns east of Connecticut-river, and be instructed how to proceed relative to said union, at the next session of this Assembly.

Whereas there are several inhabited towns in this State, that have not been represented in this Assembly according to constitution; and others whose representatives have withdrawn themselves, and refuse to take a seat in this house:

Therefore Resolved, That the Constable or Constables of each respective town in this State, that is not fully represented according to constitution (and of each respective town whose representatives still refuse to take their seats) be and are hearby directed to warn all the freemen of their respective towns to meet together at some convenient time and place by them appointed, within such towns, before the next adjourned session of Assembly, and make choice of a representative or representatives to attend the Assembly, at their adjourned session to be holden at Bennington, on the 2d Thursday of February next."

To the Inhabitants of the State of
VERMONT.

Friends and Fellow Countrymen,

I Subjoin this Letter to Esq; Allen's pamphlet, as I judged it to be the most effectual method of circulating it generally among the people.

When I consider the infant settlement of this country, the oppressive hand of New York, which has ever been stretched out against it, its frontier situation in the present revolution, and barbarous war with Great Britain, and the magnanimity, fortitude and perseverance with which the militia (alias) Green Mountain Boys, have withstood the several conflicts maintained their ground, vindicated their liberty, triumphed over their enemies, foreign and domestic, and baffled all their machinations, shining with superior lustre both in arms, freedom of constitution and government; and above all, in the righteousness of their cause.

I cannot reflect on the mighty scene without amazement, and acknowledging the propitious agency of Deity.

But when I reflect on the contracted, mean, and servile dispositions and conduct of those among us, who are secretly, and others who openly espouse the cause of New York, or Great-Britain, and are opposers of our happy constitution and government,

my indignation is moved against such pests of Society.

But when I consider myself as an individual of the community with whom I have delegated my natural right of punishing offenders; to the legislature, and legal officers of justice; I rest satisfied, knowing that the laws are now about to be printed, and judges already appointed; and that a legal distribution of justice will shortly take place.

These reflections have undoubtedly, more or less exercised the minds of every friend to our present government; and I hope may have a proper influence on the virtously disposed.

I shall conclude this letter with a short narrative of my last journey to Congress.

The first morning after my arrival, I delivered the public writings (which were intrusted me by the legislature of this State, and signed by the Governor) to the President, they were read, and ordered to be put with the minutes of the House, to be re-examined, and the subject matter therein contained, to be determined upon as soon as the policy of the United States would admit.

The delegates from New-Hampshire had received instructions from their government, just before I left Philidelphia, not to assert their claim to the westward of Connecticut-river, and it is wholly repugnant to their policy ever to do it.

And well it is for Vermont, that the Assembly at their last sitting, refused to exercise jurisdiction to the eastward of said river; for New Hampshire have it more in their power either to help or hurt Vermont, than any State on the continent, but are friendly disposed as we can desire, provided we do not injure ourselves, by endeavouring in the most ungrateful manner to abuse them.

And as to New York their flagrant injustice towards this people, hangs as a dead weight on their carriture and cause at Congress; and will forever put it out of their power to ruin this State; you only need the exercise of public virtue and perseverance, and you will certainly be confirmed an independant State.

I am, friends and countrymen, your most obedient, humble and faithful servant,

Ethan Allen,

Arlington 9th Jan. 1779